

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

**EMC PROPERTY & CASUALTY
COMPANY**

PLAINTIFF

V.

**BPI BAUERLE PARTNERS, INC.,
MANUEL RODRIGUEZ, IV,
MATTHEW LUCIDO, Individually and
as Next Friend of MADISON LUCIDO,
a Minor**

DEFENDANTS

CIVIL ACTION NO. 5:23-cv-1140-JKP

JOINT NOTICE OF DISMISSAL OF CLAIMS AND COUNTERCLAIMS

TO THE HONORABLE JUDGE OF SAID COURT:

1. Pursuant to Federal Rule of Civil Procedure 41(a), Plaintiff EMC Property & Casualty Company ("EMC") and Defendant BPI Bauerle Partners, Inc. ("BPI"), file this voluntary Joint Notice of Dismissal of Claims and Counterclaims.

2. The purpose of this Dismissal is to terminate the lawsuit in its entirety at this time with prejudice to Plaintiff's right to refile the claim and BPI's right to file the counterclaim.

3. Plaintiff's Original Complaint and Request for Declaratory Judgment was filed on September 12, 2023 (Doc 1).

4. BPI Bauerle Partners, Inc., Manuel Rodriguez, IV (“Rodriguez”), were the Defendants named in the Plaintiff's Original Complaint and Request for Declaratory Judgment and Matthew B. Lucido, Individually and as Next Friend of Madison Lucido, a minor (“Lucido”) were named as parties interested in the outcome of the litigation.

5. On February 29, 2024, Defendant BPI filed its Original Counterclaim against EMC (Doc 26).

6. The Defendants were served but have been notified by the undersigned counsel that this Joint Notice of Dismissal of Claims and Counterclaims was going to be filed. As of the date of this Joint Notice of Dismissal of Claims and Counterclaims, all Defendants have served an answer and entered an appearance.

7. Plaintiff EMC and Defendant BPI file this Joint Notice of Dismissal of Claims and Counterclaims with the intention of dismissing the case under F.R.C.P. 41(a)(1)(A)(i) with prejudice to refiling same.

Respectfully submitted,

/s/ *Wm. David Farmer*

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Inc. and Manuel Rodriguez, IV*

CERTIFICATE OF SERVICE

I hereby certify that on the 26th day of June, 2024, I electronically filed the foregoing and a true and correct copy of this document was served in accordance with the Federal Rules of Civil Procedure on the following counsel of record using the CM/ECF system:

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/s/ *Wm. David Farmer*

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